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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,847	08/11/2003	Donald Edleston	10,234.002	4455
7590 05/16/2006			EXAMINER	
Roy, Kiesel, Keegan and DeNicola 2355 Drusilla Lane (70809) P.O. Box 15928 Baton Rouge, LA 70895-5928			FOX, CHARLES A	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/638,847

Applicant(s)

EDLESTON, DONALD

Examiner

Charles A. Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Hallet et al. Regarding claims 1-3 Murphy US 6,418,577 teaches a tarpaulin device comprising:

a tarpaulin (30) having a generally rectangular shape;

a first end having an attachment section (47) configured to be attached to a stationary object;

a second end having an attachment section (47) configured to be attached to a vehicle;

wherein said attachment sections are the sole means of support of said tarpaulin. Murphy does not teach the tarpaulin as having a reinforcement strap. Hallet US 4,887,823 teaches a tarpaulin device for hauling game comprising:

a tarpaulin sheet (24);

reinforcing filaments (24) running parallel with the edges of said tarpaulin;

securing means (42a,60) for holding a game animal on said sheet during movement of said sheet;

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providing a pocket (65) for holding said tarpaulin in a manner that is easy to carry. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Murphy with the reinforcement filaments as taught by Hallet et al. in order to allow the device to move a heavy animal without having the tarpaulin tear.

Regarding claims 7 and 11 Murphy further teaches the method of deploying a tarpaulin as a sleeping device comprising the steps of:

attaching a first end of said tarpaulin to a stationary object using a first attachment section;

attaching a second end of said tarpaulin to a vehicle using a second attachment section;

moving said vehicle away from said stationary object such that tension in the tarpaulin is increased to a desired amount, causing said tarpaulin to move upwards off of the ground.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Hallet et al. as applied to claims 1 and 2 above, and further in view of Reed. Murphy and Hallet et al. teach the limitations of claims 1 and 2 as above, Murphy further teaches a method of using their device comprising the steps of:

attaching a first end of said tarpaulin to a stationary object using a first attachment section;

attaching a second end of said tarpaulin to a vehicle using a second attachment section;

moving said vehicle away from said stationary object such that tension in the tarpaulin is increased, causing said tarpaulin to move upwards off of the ground;

releasing the tension on said tarpaulin and detaching said tarpaulin from said stationary object. Murphy does not teach using the device to load a game animal onto said vehicle. Reed US 6,589,004 teaches a method of loading a game animal comprising the steps of:

- providing a lift device comprising a frame;
- attaching a first end of said device to a vehicle;
- attaching a cord to a second side of said device, said cord attached to a stationary object;
- placing a game animal onto said lift device;
- moving said vehicle away from said stationary object such that tension in the cord is increased, causing said frame to move upwards off of the ground;
- sliding said animal onto a carry rack of said vehicle;
- releasing the tension on said cord;

detaching said cord from the stationary object. It would have been obvious to one of ordinary skill in the art, at the time of invention to modify the methods taught by Murphy and Hillelt et al. with those as taught by Reed in order to allow the device to lift a game animal using a well known method of raising heavy loads.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Hallet et al. as applied to claim 1 above, and further in view of Burks et al. Murphy and Hallet et al. teach the limitations of claim 1 as above, they do not teach

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using the tarpaulin as a cover for the vehicle. Burks et al. US 6,682,123 teaches a method of covering a vehicle comprising the steps of :

attaching a tarpaulin to the rear of a vehicle with a first attachment mechanism;

deploying said tarpaulin to substantially cover said vehicle;

using a second attachment means to secure a second end of said tarpaulin to the front of said vehicle. It would have been obvious to one of ordinary skill in the art, at the time of invention to modify the methods taught by Murphy and Hallet et al. with those taught by Burks et al. in order to protect the vehicle from the elements while it is at a location that does not afford protection from the elements.

Response to Amendment

The amendments to the claims filed on January 23, 2006 have been entered into the record.

Response to Arguments

Applicant's arguments filed January 23, 2006 have been fully considered but they are not persuasive. Murphy does disclose a tarpaulin with supports at either end wherein these supports form the sole means of support for the tarpaulin. While there may be intervening means between the support and the vehicle and tree these are irrelevant as applicant is only claiming the tarp portion and not the tree or vehicle or any portions that may intervene. The rejections of the pending claims are hereby made final.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is DeAth 1994 and Light 1992.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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